



2009 SENATE BILL 278

1 **AN ACT** *to amend* 346.05 (1) (a), 346.05 (3), 346.08 (intro.) and (1), 346.09 (4),
2 346.13 (2), 346.15, 346.18 (2), 346.31 (3) (title), (a) and (b), 346.31 (4), 346.33 (1),
3 346.33 (2), 346.34 (1) (b), 346.35 (1), 346.37 (1) (a) 1., 346.37 (1) (c) 3., 346.37 (1)
4 (d) 1., 346.80 (2) (a) 2. and 349.10 (2); ***to repeal and recreate*** 346.33 (title); and
5 ***to create*** 340.01 (73r), 346.33 (1) (e) and (f) and 346.33 (1m) of the statutes;
6 **relating to:** U-turns on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 340.01 (73r) of the statutes is created to read:
8 340.01 (73r) “U-turn” means the turning of a vehicle so as to proceed in the
9 opposite direction.
10 **SECTION 2.** 346.05 (1) (a) of the statutes is amended to read:

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1 346.05 (1) (a) When making an approach for a left turn or U-turn under
2 circumstances in which the rules relating to left turns or U-turns require driving on
3 the left half of the roadway; or

4 **SECTION 3.** 346.05 (3) of the statutes is amended to read:

5 346.05 (3) Any vehicle proceeding upon a roadway at less than the normal
6 speed of traffic at the time and place and under the conditions then existing shall be
7 driven in the right-hand lane then available for traffic, or as close as practicable to
8 the right-hand edge or curb of the roadway, except when overtaking and passing
9 another vehicle proceeding in the same direction or when preparing for a left turn
10 or U-turn at an intersection or a left turn into a private road or driveway, and except
11 as provided in s. 346.072.

12 **SECTION 4.** 346.08 (intro.) and (1) of the statutes are amended to read:

13 **346.08 When overtaking and passing on the right permitted.** (intro.)

14 The operator of a vehicle may overtake and pass another vehicle upon the right only
15 under conditions permitting such the movement in safety and only if the operator can
16 do so ~~without driving off the pavement or main-traveled portion of the~~ while
17 remaining on either the roadway or a paved shoulder, and then only under the
18 following conditions:

19 **(1)** When the vehicle overtaken is making or about to make a left turn or
20 U-turn; or

21 **SECTION 5.** 346.09 (4) of the statutes is amended to read:

22 346.09 (4) Other provisions of this section notwithstanding, the operator of a
23 vehicle ~~shall~~ may not overtake and pass on the left any other vehicle which, by means
24 of signals as required by s. 346.34 (1), indicates its intention to make a left turn or
25 U-turn.

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1 **SECTION 6.** 346.13 (2) of the statutes is amended to read:

2 346.13 **(2)** Upon a 2-way roadway which is divided into 3 lanes the operator
3 of a vehicle ~~shall~~ may not drive in the center lane except when overtaking and
4 passing another vehicle where the roadway is clearly visible and such the center lane
5 is clear of traffic within a safe distance, or in preparation for a left turn or U-turn,
6 or where such the center lane is at the time allocated exclusively to traffic moving
7 in the direction the vehicle is proceeding and is marked or posted to give notice of
8 such the allocation.

9 **SECTION 7.** 346.15 of the statutes is amended to read:

10 **346.15 Driving on divided highway.** Whenever any highway has been
11 divided into 2 roadways by an intervening unpaved or otherwise clearly indicated
12 dividing space or by a physical barrier ~~so~~ constructed as to substantially impede
13 crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of
14 such the space or barrier and no operator of a vehicle shall drive over, across, or
15 within any such the space or barrier except through an opening or at a crossover or
16 intersection established by the authority in charge of the maintenance of the
17 highway, except that the operator of a vehicle when making a left turn to or from a
18 private driveway, alley, or highway or making a U-turn may drive across a paved
19 dividing space or a physical barrier not ~~so~~ constructed as to impede crossing by
20 vehicular traffic, unless such the crossing is prohibited by signs erected by the
21 authority in charge of the maintenance of the highway.

22 **SECTION 8.** 346.18 (2) of the statutes is amended to read:

23 346.18 **(2)** TURNING LEFT OR MAKING A U-TURN AT INTERSECTION. The operator of
24 a vehicle within an intersection intending to turn to the left ~~across the path of any~~

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1 ~~vehicle approaching from the opposite direction~~ or make a U-turn shall yield the
2 right-of-way to such any vehicle approaching from the opposite direction.

3 **SECTION 9.** 346.31 (3) (title), (a) and (b) of the statutes are amended to read:

4 **346.31 (3) (title)** LEFT TURNS AND U-TURNS.

5 (a) The approach for a left turn or U-turn shall be made in ~~that~~ the lane farthest
6 to the left which is lawfully available to traffic moving in the direction of travel of the
7 vehicle about to turn left. Unless otherwise marked or posted, this means the lane
8 immediately to the right of the center line or center dividing strip of a 2-way highway
9 and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

10 (b) The intersection shall be entered in the lane of approach and, whenever
11 practicable, the left turn or U-turn shall be made in that portion of the intersection
12 immediately to the left of the center of the intersection. For the purposes of this
13 paragraph, a divided highway intersected by any other highway is considered to be
14 one intersection.

15 **SECTION 10.** 346.31 (4) of the statutes is amended to read:

16 **346.31 (4)** LEFT TURNS AND U-TURNS ON 3-LANE HIGHWAYS. On a 2-way highway
17 having an uneven number of lanes the approach for a left turn or U-turn shall be
18 made in the center lane thereof, unless otherwise posted or marked. A left turn into
19 a 2-way highway having an uneven number of lanes shall be made so as to enter the
20 highway in the lane immediately to the right of the center lane.

21 **SECTION 11.** 346.33 (title) of the statutes is repealed and recreated to read:

22 **346.33 (title)** **U-turns.**

23 **SECTION 12.** 346.33 (1) of the statutes is amended to read:

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1 346.33 (1) The operator of a vehicle shall ~~may not turn the vehicle so as to~~
2 ~~proceed in the opposite direction~~ make a U-turn upon a highway at any of the
3 following places:

4 (a) At any intersection at which traffic is being controlled by ~~traffic control~~
5 ~~signals or by a traffic officer;~~ unless instructed by the officer to make a U-turn.

6 (b) In mid-block on any street in a business district, except where the highway
7 is a divided highway and where the ~~turn~~ U-turn is made at an opening or crossover
8 established by the authority in charge of the maintenance of the highway.

9 (c) In mid-block on any through highway in a residence district, except where
10 the highway is a divided highway and where the ~~turn~~ U-turn is made at an opening
11 or crossover established by the authority in charge of the maintenance of the
12 highway.

13 (d) At any place where signs prohibiting ~~such turn~~ a U-turn have been erected
14 by the authority in charge of the maintenance of the highway.

15 **SECTION 13.** 346.33 (1) (e) and (f) of the statutes are created to read:

16 346.33 (1) (e) Upon a curve or upon the approach to or near the crest of a grade
17 on any undivided highway where the vehicle cannot be seen by the driver of any other
18 vehicle within 500 feet approaching from any direction.

19 (f) At any place where a U-turn cannot be made safely or without interfering
20 with other traffic.

21 **SECTION 14.** 346.33 (1m) of the statutes is created to read:

22 346.33 (1m) The operator of a vehicle shall exercise due care when making a
23 U-turn upon a highway and shall only make a U-turn when the movement can be
24 made safely and without interfering with other traffic.

25 **SECTION 15.** 346.33 (2) of the statutes is amended to read:

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1 346.33 (2) The operator of a vehicle shall may not back the vehicle into an
2 intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning
3 the vehicle so as to proceed in the opposite direction upon the highway at an
4 intersection controlled by an official traffic control device for the purpose of making
5 a U-turn.

6 **SECTION 16.** 346.34 (1) (b) of the statutes is amended to read:

7 346.34 (1) (b) In the event any other traffic may be affected by such the
8 movement, no person may so turn any vehicle without giving an appropriate signal
9 in the manner provided in s. 346.35. A person making a U-turn shall use the same
10 signal used to indicate a left turn. When given by the operator of a vehicle other than
11 a bicycle or electric personal assistive mobility device, such the signal shall be given
12 continuously during not less than the last 100 feet traveled by the vehicle before
13 turning. The operator of a bicycle or electric personal assistive mobility device shall
14 give such the signal continuously during not less than the last 50 feet traveled before
15 turning. A signal by the hand and arm need not be given continuously if the hand
16 is needed in the control or operation of the bicycle or electric personal assistive
17 mobility device.

18 **SECTION 17.** 346.35 (1) of the statutes is amended to read:

19 346.35 (1) Left turn or U-turn —Hand and arm extended horizontally.

20 **SECTION 18.** 346.37 (1) (a) 1. of the statutes is amended to read:

21 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight
22 through, make a U-turn, or turn right or left unless a sign at such place prohibits
23 either such turn the turning maneuver, but vehicular traffic shall yield the
24 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
25 an adjacent crosswalk at the time such the signal is exhibited.

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SECTION 19. 346.37 (1) (c) 3. of the statutes is amended to read:

346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after stopping as required under subd. 1., cautiously enter the intersection to make a right turn into the nearest lawfully available lane for traffic moving to the right or to turn left from a one-way highway into the nearest lawfully available lane of a one-way highway on which vehicular traffic travels to the left. No turn may be made on a red signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to other traffic lawfully using the intersection.

SECTION 20. 346.37 (1) (d) 1. of the statutes is amended to read:

346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the intersection ~~only~~ to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk and to other traffic lawfully using the intersection. Vehicular traffic facing a left turn arrow may make a U-turn unless a sign prohibits U-turns. When the green arrow signal indicates a right or left turn traffic shall cautiously enter the intersection.

SECTION 21. 346.80 (2) (a) 2. of the statutes is amended to read:

346.80 (2) (a) 2. When preparing for a left turn or U-turn at an intersection or a left turn into a private road or driveway.

SECTION 22. 349.10 (2) of the statutes is amended to read:

349.10 (2) No local authority shall declare any part of a connecting highway between portions of the state trunk highway system to be a one-way highway or

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1 prohibit right or left turns or U-turns at any intersection of one such connecting
2 highway with another without due regard for the expeditious flow of intercity traffic
3 using the state trunk highways and without first conferring with the department on
4 the problems involved.

SECTION 23. Initial applicability.

5
6 (1) This act first applies to violations committed on the effective date of this
7 subsection.

SECTION 24. Effective date.

8
9 (1) This act takes effect on the January 1 after publication.

10 (END)